

Village of Croton-on-Hudson
Water Control Commission Meeting of
September 21, 2011

PRESENT: Stuart Greenbaum, Chairperson
Mark Goldfarb
Charles Kane
Al Mazza

ALSO PRESENT: Daniel O'Connor, Village Engineer

ABSENT: Vita Rhodes

1. Call to Order.

The Water Control Commission Meeting of September 21, 2011 was called to order at 7:35 P.M.

2. New Business:

- a) **Steel Style Properties, LLC - 50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3)** – Referral from Planning Board to WCC for recommendation on issuance of Wetlands Activity Permit (Hudson River buffer disturbance).

Steel Style Properties was represented by Ralph Mastromonaco, Engineer for the applicant. He presented the application which is the proposed construction of a single-family house on a vacant parcel (restaurant parcel) which is part of Half Moon Bay. It also includes a walkway next to the Village parking lot, through the property, to the Marina. There are two alternative proposals for the driveway. One would be through the parking lot which would require a permanent Village easement and the other would be a driveway off of Half Moon Bay Drive. He explained that having met with the Planning Board about four or five times already, the application was being referred by the Planning Board to the WCC for recommendation on the issuance of the Wetlands Activity Permit because the site sits within the 120 foot Hudson River buffer disturbance. Mr. O'Connor commented that about 90% of the site was within the buffer. Mr. Mastromonaco further explained that the site was about 4/10 of an acre and used to be referred to as the "restaurant parcel" of Half Moon Bay.

Mr. Kane inquired if the lot had been staked. Mr. Mastromonaco said that only the house corners had been staked which was confirmed by Mr. O'Connor. Mr. Kane then stated that he would like to make a site visit.

A short discussion regarding the driveway alternatives followed, resulting in the conclusion that it was a Planning Board issue.

Mr. Kane pointed out that there was a difference in the square footage of the house as shown on page 1 and page 2 of the drawings, and then asked about the size of the cut. Mr. Mastromonaco replied that the plans call for about a 12 foot cut down.

Chairman Greenbaum and Mr. Kane both expressed their concern over the visual impact of the structure on the scenic view enjoyed by Half Moon Bay residents and the public. Mr. Mastromonaco presented pictures of the site without the proposed house and with the proposed house superimposed on it. He stated that Half Moon Bay already blocks about 3,000 feet of the view of the Hudson, and that to put it in perspective, there was no way to build a structure without blocking some part of the view.

Mr. O'Connor reminded the Board that the parcel in review was originally slated for a restaurant as part of the entire Half Moon Bay complex and as such had gone through the environmental review, and had been issued a wetland permit which has subsequently expired. He added that the original permit allowed for a 50 foot high structure and that the proposed structure is no way near that height.

Chairman Greenbaum then said that a restaurant would have been used by the public, to which Mr. Mastromonaco replied that a restaurant would have taken up the total site area whereas a single-family residence fits in with the residential nature of Half Moon Bay.

Mr. Goldfarb asked for confirmation that silt fencing, mitigation efforts, roof drains, and inlet protection would all be used and Mr. Mastromonaco did confirm it, adding that roof drains would be connected to drains in the parking lot which would drain out to the Hudson River. Mr. Mastromonaco also added that a 6 foot wide asphalt walkway between the house and the River would be constructed and that the gazebo would be removed.

Chairman Greenbaum stated that he had a problem with the fact that 90% of the proposed structure lies with the buffer; that approving the plan would set an undesirable precedent and would be contrary to the legislative intent of Section 227 of the Wetland Code to protect the aesthetic value of the Village wetlands. Mr. Mastromonaco countered that a buffer was not a prohibition and that the purpose of the review was to see if there would be any negative impact on the Hudson River as a result of the construction of the house. He also wanted it noted that all of Half Moon Bay was in the buffer.

Mr. Kane and Chairman Greenbaum expressed concern over the visual impact of the view from the River, and Mr. Mastromonaco explained that it was the intent to use the same features of the Club House and try to architecturally match it. Mr. O'Connor added that doing such would only extend the visual line of the mass of structures along the river view by a small percentage and when completed would mesh well with the existing structures. Mr. Mastromonaco then stated that his client has offered to landscape (upon appropriate Village approval) the hill owned by the Village between the parking lot and Elliott Way and, separate from the current application, has proposed to donate dozens of acres of underwater land so that if the Village wanted to, it could regulate moorings.

Chairman Greenbaum again stated that he was having a hard time with the fact that 90% of the project was in the wetland buffer and the negative impact would be the precedent that would be set during his chairmanship. Mr. Greenbaum stated that he could see both sides of the argument - setting an undesirable precedent on one hand and the other side being that the structure was probably around a 1% - 3% increase in visual impact while being consistent with the Half Moon Bay look. Mr. Mastromonaco added that precedent had been set by the Village at the time when the original site plan was approved, to which Mr. Kane added that the clean-up of the area which was being used as an industrial wasteland and public access were big considerations at that time and that it was a major development as opposed to the single-family house proposed at present.

In response to Mr. Kane's question, Mr. Mastromonaco replied that there were no plans for any commercial development on the adjacent property also owned by his client.

Mr. Mazza was asked for his opinion and replied that he could see both sides of the issue. However, he did not believe there would be a great visual impact and did not see the proposed development as very disturbing.

Mr. O'Connor pointed out that there were cross easements on the site between the Half Moon Bay Homeowners' Association and the property owner regarding access over Half Moon Bay Drive and for utilities.

The Board then determined it needed to make a site visit, followed possibly by an Executive Session. The site visit was scheduled for Tuesday, September 27 at 9:00A.M. The Board then deferred any recommendation for the Wetland Activity Permit until after the site visit is completed and will continue its review at the next WCC meeting.

3. Approval of Minutes:

Chairman Greenbaum made a motion to approve the minutes of the August 17, 2011 Water Control Commission Meeting as written. The motion was seconded by Mr. Kane. The minutes were approved 4 - 0 in favor.

4. Adjournment:

Mr. Kane made a motion to adjourn. The meeting was adjourned at 8:25P.M.

Respectfully submitted,
Toni Cruz
Secretary, Water Control Commission